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COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

Tentative Notice of Action

MEETING DATE March 18, 2016 EFFECTIVE DATE April 2, 2016	CONTACT/PHONE Holly Phipps / (805) 781-1162 / hhipps@co.slo.ca.us	APPLICANT Frank Hilton	FILE NO. DRC2015-00004
SUBJECT A request by <b>FRANK HILTON</b> for a Minor Use Permit (DRC2015-00004) to allow the keeping of 450 chickens (poultry) for commercial use. The project will not result in any site disturbance on the approximate 47 acre parcel. The proposed project is located within the Residential Rural land use category and is located (at 280 Phelan Ranch Way) approximately 3 miles south of City of Arroyo Grande. The site is in the San Luis Bay Inland Subarea of the South County Planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2015-00004 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A General Rule Exemption (ED15-194) was issued on 02/17/16.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER 075-241-042	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: <i>Does the project meet applicable Planning Area Standards: <b>Not applicable</b></i>			
LAND USE ORDINANCE STANDARDS: <b>22.30.090 Animal Keeping</b> <i>Does the project conform to the Land Use Ordinance Standards: <b>Yes - see discussion</b></i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on April 2, 2016, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Single-Family Residence, Farm Support Quarters, Green Houses			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural / Scattered Residences <i>South:</i> Residential Rural / Scattered Residences <i>East:</i> Residential Rural / Scattered Residences <i>West:</i> Residential Rural / Scattered Residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: CAL Fire, and South County Advisory Council	
TOPOGRAPHY: Gently sloping	VEGETATION: Scattered Oak Trees, non-native grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: November 23, 2015

## DISCUSSION

### PROJECT HISTORY:

- February 17, 2015 - A Code Enforcement case (COD2014-00351) was opened due to the applicant operating a poultry farm (with 400 roosters on-site), having occupied RV's on-site and an unpermitted greenhouse.
- November 23, 2015 – Applicant has been working with Code Enforcement to bring the site into conformance. County Staff inspected the site and confirmed that the RV's are unoccupied and stored on-site. The applicant has applied for a building permit (PMT2015-00480) and is working on bringing the greenhouse into conformance.
- July 8, 2015 – The current project, Minor Use Permit DRC2015-00004 was submitted.

PROJECT SUMMARY: The proposed Minor Use Permit will authorize the keeping of 450 chickens (poultry) for commercial use and bring this use into conformance.

### PLANNING AREA STANDARDS:

None applicable.

### LAND USE ORDINANCE STANDARDS:

<b>Animal Keeping (Section 22.30.090)</b>			
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>In-Compliance</b>
Permit Required	Minor Use Permit required for 100 or more fowl or poultry	400 poultry	Yes
Setbacks	Greater than 50 feet from residential uses	Greater than 50 feet	Yes
Access	From an all-weather road	Proposed road has all-weather access	Yes
Minimum Site Required for Poultry Keeping	1 fowl or poultry limited to a ratio of one mature animal for each 500 sf of site area	Site is 47 acres (400 birds x 500 sf = 200,000 sf or 5 acres)	Yes
Types of Enclosures	Shall be contained in coops or pens	Pens	Yes
Waste Disposal	To be in compliance with Health Department Requirements	Nothing proposed	Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS:

South County Advisory Group

A meeting was held on October 26, 2015. Issues that were of concern included the following:

- Too many chickens;
- Illegal use of roosters;
- Does the zoning allowing allow this use;
- What are the requirements that allow the applicant to sub-lease?

A motion was made to continue this item pending further investigation by Code Enforcement. The motion was approved.

*Staff Comments:* The proposed project (the keeping of 400 plus roosters/poultry) is an allowed use in the Residential Rural land use category with the approval of a Minor Use Permit. Additionally, the Agriculture land use category allows up to 10 RVs.

Mr. Voss from Code Enforcement had the Sheriff out to the applicant's site to evaluate the possibility of a cock fighting operation. To date, not enough evidence has been found. The pending Code Enforcement issues will be resolved with the approval of the proposed Minor Use Permit.

The Applicant worked with Code Enforcement to bring RVs and the existing unpermitted uses on-site into conformance. County Staff inspected the site and confirmed that the RV's are unoccupied and properly stored on-site. The applicant has applied for a building permit (PMT2015-00480) and is working on bringing the greenhouse into conformance.

The applicant has submitted a Minor Use Permit application and if approved would authorize the existing animal keeping of 400 to 450 poultry on-site.

AGENCY REVIEW:

CAL FIRE – No concerns.

LEGAL LOT STATUS:

The existing lot were legally created by lot line adjustment COAL02-394 at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by Karen Nall.